

REMARKS

The Examiner's courtesy in noting the allowance of claims 29-33 is sincerely appreciated.

In the Office Action claims 34-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by Alugbin et al.

Reconsideration is requested in view of this Amendment.

Claim 34 has been amended, without prejudice, to insert before the period at the end of the claim the phrase: --wherein said first valve metal is selected from the group consisting of magnesium, thorium, cadmium, tungsten, tin, iron, silver, tantalum, titanium, aluminum, zirconium and niobium--. These specific metals were disclosed at page 1 of the original specification.

With regard to the Examiner's comment regarding MPEP § 2113, it is pointed out that the present amendment of claim 34 and its consequent distinction from the newly cited prior art does not depend on a process limitation and for this reason, the reference to MPEP § 2113 is considered moot. The Applicants respectfully reserve the right to argue in the future that a process limitation in a product claim may be a basis for distinguishing that type of claim from the prior art.

Since the cited reference only discloses silicon oxide, the amended claim, which excludes silicon oxide is not anticipated by the cited reference and it is requested that this ground of rejection be withdrawn as to claim 34 and dependent claims 35 and 36.

Claim 37 has been canceled without prejudice and is no longer at issue.

Claims 45-47 have been added to replace claim 37. Independent claim 45 specifies aluminum oxide as the valve metal oxide, while dependent claim 46 recites that the electrically conductive substrate includes aluminum. Claim 47 is identical with claim 46, except that it is dependent on claim 34. In view of the criteria set forth in the Office Action with regard to claim 37, it is submitted that new claims 45, 46 and 47 are allowable.

In accordance with the foregoing remarks, it is respectfully submitted that all outstanding objections and rejections have been overcome and the application is in condition for allowance.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited if the Examiner contacts the undersigned attorney for a telephone interview.

A early and favorable action is earnestly solicited.

Respectfully submitted,



James V. Costigan
Registration No. 25,669

Hedman & Costigan, P.C.
1185 Avenue of the Americas
New York, NY 10036
(212) 302-8989

I hereby certify that this
correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 on 5/19/04
